

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
MADELINE BECERRA, ) CASE NO. 05-67538 JPK  
 ) Chapter 7  
Debtor. )

ORDER SCHEDULING HEARING ON REAFFIRMATION AGREEMENT

On March 17, 2006, a Reaffirmation Agreement, entered into between the debtor and Bayquest Capital Corporation, was filed as record entry #12. This agreement is dated November 29, 2005, and thus it is timely pursuant to 11 U.S.C. § 524(c)(1), in that the debtor's discharge was not granted until February 20, 2006. However, there is an interesting "curl". Assuming that the date of November 29, 2005 is the date upon which the agreement was signed, based upon the Court's record, the debtor was "*pro se*" at that time. On December 14, 2005, Attorney Hollis E. Back entered his appearance of record as counsel for the debtor. The Disclosure of Compensation of Attorney for Debtor filed on December 14, 2005 states that Attorney Back's services include the preparation and filing of reaffirmation agreements, and thus at the time that the above-designated Reaffirmation Agreement was filed, the debtor was represented by an attorney whose services included matters relating to that document. However, the agreement does not include the declaration or affidavit of an attorney who represented the debtor during the course of negotiating the agreement, as required by 11 U.S.C. § 524(c)(3). Based upon the record before the Court, the Court cannot ascertain whether or not Attorney Back was involved in representation of the debtor at the time that the Reaffirmation Agreement was filed. If he was, the agreement is not effective unless the affidavit or declaration required by § 524(c)(3) accompanies it. If he was not so involved, the Court must conduct a hearing on the agreement pursuant to 11 U.S.C. § 524(d).

IT IS ORDERED that a hearing will be held on **April 21, 2006, at 8:45 A.M.** pursuant to 11 U.S.C. § 524(d) with respect to the above-designated Reaffirmation Agreement. **The debtor is**

**required to attend this hearing.**

IT IS FURTHER ORDERED that if the Reaffirmation Agreement is re-filed prior to the date of the scheduled hearing, accompanied by the declaration/affidavit required by 11 U.S.C. § 524(c)(3) signed by Attorney Hollis E. Back, the scheduled hearing will be removed from the Court's calendar.

Dated at Hammond, Indiana on April 10, 2006.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:

Debtor, Attorney for Debtor  
Trustee, US Trustee  
Attorney for Creditor